

FILED
JUL 18 2022

Tracey M. Slagle
YAKIMA COUNTY CLERK

SUPERIOR COURT OF WASHINGTON FOR YAKIMA COUNTY

MICHAEL SCOTT BRUMBACK, an
individual; and GIMME GUNS, a sole
proprietorship,

Plaintiffs,

v.

ROBERT W. FERGUSON, in his official
capacity as Washington State Attorney
General; JOHN R. BATISTE, in his official
capacity as Chief of the Washington State
Patrol; ROBERT UDELL, in his official
capacity as Sheriff for Yakima County,
Washington; and JOSEPH A. BRUSIC, in his
official capacity as County Prosecutor for
Yakima County.

Defendants.

No. 22-201446-39

**PLAINTIFF'S MOTION FOR
INJUNCTIVE AND DECLARATORY
RELIEF**

Plaintiff, MICHAEL SCOTT BRUMBACK, and Plaintiff GIMME GUNS, a business
entity, respectfully move this Court, in the exercise of its discretion and pursuant to its equitable
powers to do justice according to the law, for the entry of an Order enjoining Defendants from
enforcing ESSB 5078 and its amendments to RCW Chapter 9.41 that has the effect of impairing
and/or infringing the Plaintiff(s)' right to bear arms as protected by the US Constitution and/or
Washington Constitution.

1 Furthermore, the Plaintiffs request this Court to Declare that ESSB 5078 and its
2 amendments to RCW Chapter 9.41 are unenforceable/non-viable law and are unconstitutional
3 impairments/infringements upon the constitutionally-protected rights of Plaintiff(s) to bear arms
4 under Article I, Section 24 of the Washington state Constitution and/or the 2nd Amendment to the
5 United States Constitution.

6 Plaintiffs declare and allege that the harm of ESSB 5078, and its amendments in RCW
7 Chapter 9.41, are ongoing harm to Plaintiffs on a daily basis since the effective date of said law
8 on July 1, 2022, and that per RCW 7.40.020, this court may immediately enjoin the enforcement,
9 viability, efficacy, and/or use by Washington government actors of said law(s) to prevent further
10 harm to Plaintiffs' constitutionally-protected right(s).

11 This motion is based upon the authority of CR 65(b), LCR 7, RCW 7.40.020, and the
12 equitable powers of this Court. This motion is supported by a Memorandum of Law in Support
13 of Plaintiff's Motion for Injunctive and/or Declaratory Relief, the Affidavit of Plaintiff
14 MICHAEL SCOTT BRUMBACK in support thereof, the Affidavit of CHARLES GILROY,
15 owner of GIMME GUNS in support thereof, the Plaintiffs' Complaint, the Declaration of
16 Gimme Guns in support of the motion/complaint, the Affidavit for firearms expert William
17 McKnight, and the pleadings herein.

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19 **DATED** this 18th day of July, 2022.

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21 **SILENT MAJORITY FOUNDATION**

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Counsel for Plaintiffs